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47959	7590	03/19/2009

IBM AUSTIN (ANTHONY ENGLAND)
C/O LAW OFFICE OF ANTHONY ENGLAND
PO BOX 5307
AUSTIN, TX 78763-5307

EXAMINER
KUMAR, ANIL N

ART UNIT	PAPER NUMBER
2174	

DATE MAILED: 03/19/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,143	10/23/2003	Kulvir Singh Bhogal	AUS920030492US1	9523

TITLE OF INVENTION: METHOD, APPARATUS AND COMPUTER PROGRAM PRODUCT FOR DEPLOYING SOFTWARE VIA POST-LOAD IMAGES

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	$1510	$300	$0	$1810	06/19/2009

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PTOL-85 (Rev. 08/07) Approved for use through 08/31/2010.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: <u>Mail</u>

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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

47959   7590   03/19/2009

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Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission
I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

_____ (Depositor's name)

_____ (Signature)

_____ (Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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nonprovisional	NO	$1510	$300	$0	$1810	06/19/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
KUMAR, ANIL N	2174	717-178000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 _____

2 _____

3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE   (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:
☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): **(Please first reapply any previously paid issue fee shown above)**
☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)
☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____   Date _____

Typed or printed name _____   Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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DATE MAILED: 03/19/2009

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 784 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 784 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

	Application No.	Applicant(s)
Notice of Allowability	10/692,143	BHOGAL, KULVIR SINGH
	Examiner	Art Unit
	ANIL N. KUMAR	2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *amendment filed on 12/15/2008*.

2. ☒ The allowed claim(s) is/are *8, 10-12, 14-15, 17-19 and 21*.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some*   c) ☐ None   of the:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

        3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the

           International Bureau (PCT Rule 17.2(a)).

    * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

    (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

        1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.

    (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of

        Paper No./Mail Date _____.

    Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____

4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application

6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____.

EXAMINER'S AMENDMENT

EXAMINER'S AMENDMENT

1.   An examiner's amendment to the record appears below. Should the changes

and/or additions be unacceptable to applicant, an amendment may be filed as provided

by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be

submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview

with Mr. Anthony England, attorney on 3/10/2009.

Claims

Amendments to the Claims:

This listing of claims will replace al prior versions and listings of the claims in the

application:

Listing of Claims:

1-7. (canceled)

8. (currently amended) An apparatus for deploying software, comprising:

a processor;

a memory for storing program instructions executable by the processor to

perform the steps of:

providing a Web site on a first computer system coupled to a network for

presenting users with an interface, wherein the users include purchasers;

receiving from the user a selection of software applications for deploying to a

target computer system;

receiving from a user a selection of hardware for the target computer system and

responsively determining what drivers correspond to the selected hardware, wherein

the first computer system has a pre-built array of post-load images stored thereon

for combinations of hardware and the software applications that the user may select,

the post-load images being substantially identical to respective images resulting on a

target computer system hard drive from an installation process of corresponding pre-

load images, so that the respective post-load images include software application

configuration information, files from the corresponding pre-load images, and links to

drivers for hardware of the target computer system;

selecting a certain one of the pre-built images by the first computer system

responsive to the received user selections, wherein the selected image has the

software applications selected by the user and the drivers for the hardware selected

by the user; and

receiving a first order from the user for the certain image of the selected software

applications deployable to the target computer system hardware, including a

selection by the user of a method for delivery of the selected image;

sending the selected image, the image sent being limited to the selected pre-built,

post-load image;

maintaining a record of the order for the software applications and drivers

included in the certain image that is sent, wherein the record is associated with an

order identifier and user identifier;

receiving a second order for the user, including the user or order identifier;

retrieving the record for the first order responsive to the user or

order identifier; and

presenting, responsive to the user or order identifier, a list of suggested software

programs for the second order in addition to those of the first order.

9. (canceled)

10. (previously presented) The apparatus of claim 8, wherein the sending of the

loading utility with the selected image further includes sending the loading utility on

bootable media, and wherein the utility further includes instructions for causing the

target computer system to transfer the image to a hard drive of the target computer

system responsive to the target computer system booting to the utility on the

bootable media when the target computer system is turned on.

11. (currently amended) The apparatus of claim 8, wherein the program

instructions are executable by the processor to perform the further steps of:

~~maintaining a record of the order for the software applications and drivers~~

~~included in the certain image that is sent, wherein the record is associated with an~~

~~order identifier and user identifier;~~

~~receiving a second order for the user, including the user or order identifier;~~

~~retrieving the record for the first order responsive to the user or order identifier;~~

presenting a list of the software applications and drivers included in the certain

image that was sent for the first order; and

receiving a selection indicating ones of the software applications of the first order

to update for the second order or indicating software programs for the second order

in addition to those of the first order.

12. (currently amended) The apparatus of claim 8, wherein the program

instructions are executable by the processor to perform the further steps of:

~~maintaining a record of the order for the software applications and drivers~~

~~included in the certain image that is sent, wherein the record is associated with an~~

~~order identifier and user identifier;~~

~~receiving a second order for the user, including the user or order identifier;~~

~~retrieving the record for the first order responsive to the user or order identifier;~~

~~and~~

presenting, responsive to the user or order identifier, a list of suggested updates

for the software programs of the first order.

13. (canceled)

14. (currently amended) The apparatus of claim 8, wherein the program instructions are executable by the processor to perform the further steps of:

~~maintaining a record of the order for the software applications and drivers included in the certain image that is sent, wherein the record is associated with an order identifier and user identifier;~~

~~receiving a second order for the user, including the user or order identifier;~~

~~retrieving the record for the first order responsive to the user or order identifier;~~

receiving user information that informs the computer system about needs of the user;

maintaining a profile of the user, wherein the profile is associated with the user identifier and the received user information; and

presenting, responsive to the user information, a list of suggested updates for the software programs of the first order or a list of suggested software programs for the second order in addition to those of the first order.

15. (currently amended) A computer program product, stored on a [[physical,]] <u>recordable-type</u> computer readable medium, for deploying software, said computer program product having instructions for execution by a computer, wherein the instructions cause the computer to implement a method when executed by the computer, the computer program product comprising:

instructions for providing a Web site on a first computer system coupled to a network for presenting users with an interface, wherein the users include purchasers;

instructions for receiving from a user a selection of software applications for deploying to a target computer system;

instructions for receiving from the user a selection of hardware for the target computer system and responsively determining what drivers correspond to the selected hardware, wherein the first computer system has a pre-built array of post-load images stored thereon for combinations of hardware and the software applications that the user may select, the respective post-load images being substantially identical to images resulting on a target computer system hard drive from an installation process of corresponding pre-load images, so that the respective post-load images include software application configuration information, files from the corresponding pre-load images, and links to drivers for hardware of the target computer system;

instructions for selecting a certain one of the pre-built images by the first computer system responsive to the received user selections, wherein the selected image has the software applications selected by the user and the drivers for the hardware selected by the user; and

instructions for receiving a first order from the user for the certain image of the selected software applications deployable to the target computer system hardware, including a selection by the user of a method for delivery of the selected image;

instructions for sending the selected image, the image sent being limited to the

selected pre-built, post-load image;

instructions for maintaining a record of the order for the software applications and

drivers included in the certain image that is sent, wherein the record is associated

with an order identifier and user identifier;

instructions for receiving a second order for the user, including the user or order

identifier;

instructions for retrieving the record for the first order responsive to the user or

order identifier; and

instructions for presenting, responsive to the user or order identifier, a list of

suggested software programs for the second order in addition to those of the first

order.

16. (canceled)

17. (previously presented) The computer program product of claim 15, wherein

the sending of the loading utility with the selected image further includes sending the

loading utility on bootable media, and wherein the utility further includes instructions

for causing the target computer system to transfer the image to a hard drive of the

target computer system responsive to the target computer system booting to the

utility on the bootable media when the target computer system is turned on.

18. (currently amended) The computer program product of claim 15, further

comprising:

~~instructions for maintaining a record of the order for the software applications and~~

~~drivers included in the certain image that is sent, wherein the record is associated~~

~~with an order identifier and user identifier;~~

~~instructions for receiving a second order for the user, including the user or order~~

~~identifier;~~

~~instructions for retrieving the record for the first order responsive to the user or~~

~~order identifier;~~

instructions for presenting a list of the software applications and drivers included

in the certain image that was sent for the first order; and

instructions for receiving a selection indicating ones of the software applications

of the first order to update for the second order or indicating software programs for

the second order in addition to those of the first order.

19. (currently amended) The computer program product of claim 15, further

comprising:

~~instructions for maintaining a record of the order for the software applications~~

~~and drivers included in the certain image that is sent, wherein the record is~~

~~associated with an order identifier and user identifier;~~

~~instructions for receiving a second order for the user, including the user or~~

~~order identifier;~~

~~instructions for retrieving the record for the first order responsive to the user or~~

~~order identifier; and~~

instructions for presenting, responsive to the user or order identifier, a list of

suggested updates for the software programs of the first order.

20. (canceled)

21. (currently amended) The computer program product of claim 15, further

comprising:

~~instructions for maintaining a record of the order for the software applications and~~

~~drivers included in the certain image that is sent, wherein the record is associated~~

~~with an order identifier and user identifier;~~

~~instructions for receiving a second order for the user, including the user or order~~

~~identifier;~~

~~instructions for retrieving the record for the first order responsive to the user or~~

~~order identifier;~~

instructions for receiving user information that informs the computer system

about needs of the user;

instructions for maintaining a profile of the user, wherein the profile is associated

with the user identifier and the received user information; and

instructions for presenting, responsive to the user information, a list of suggested

updates for the software programs of the first order or a list of suggested software

programs for the second order in addition to those of the first order.

Statement of Reasons for Allowance

1. Claims 8, 10-12, 14-15, 17-19 and 21 are allowed.

2. The following is an examiner's statement of reasons for allowance.

The present invention is directed towards deployment of customized software by

post-load images, where a server has post-load images stored for various custom

combinations of software and hardware, where a user indicates to a server the user's

client hardware and desired software applications, and where a server responsively

delivers the selected combination in the form of a post-load image, including drivers and

other system operating parameters.

Independent Claims 8 and 15 recite, or similarly recite, in combination with the

remaining elements,

receiving from the user a selection of software applications for deploying to a

target computer system;

receiving from a user a selection of hardware for the target computer system and

responsively determining what drivers correspond to the selected hardware,

wherein the first computer system has a pre-built array of post-load images

stored thereon for combinations of hardware and the software applications that

the user may select, the post-load images being substantially identical to

respective images resulting on a target computer system hard drive from an

installation process of corresponding pre-load images, so that the respective

post-load images include software application configuration information, files

from the corresponding pre-load images, and links to drivers for hardware of the

target computer system;

sending the selected image, the image being limited to the selected pre-built,

post-load image.

The closest prior arts, Cheng et al. ("Cheng", US 6,151,643 A1) teach, a system

and method to update client computers of various end users with software updates for

software products installed on the client computers, the software products manufactured

by diverse, unrelated software vendors, but do not explicitly teach updating from a pre-

built post-load image, and sending only the pre-built post-load image. Similarly, Hsieh,

Vivian G. et al. ("Hisieh", US 20020158900 A1) teach, software programs can be

packaged in a fixed format, sometimes referred to as a "ghost" (post-load), and

automatically disseminated to all of the appropriate computers. However, this type of

automated deployment is not effective for situations in which computers, such as

servers, need to be customized to accommodate the individual requirements of varied

users, and as such teaches away from combining with Cheng.

Hence, <u>Cheng</u> or <u>Hisieh</u>, singularly or in combination, still fail to anticipate or render the above cited limitations obvious.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anil N. Kumar whose telephone number is (571) 270-1693. The examiner can normally be reached on Wednesdays and alternate Mon-Tue and Thu-Fri EST (Alternate Mon-Tue and Thu-Fri off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

Application/Control Number: 10/692,143 Page 14
Art Unit: 2174

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO

Customer Service Representative or access to the automated information system, call

800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Anil Kumar/

/Joshua D Campbell/
Primary Examiner, Art Unit 2178